

**CITY OF WEST RICHLAND
REMOTE CITY COUNCIL MEETING
TUESDAY, JULY 20, 2021**

1. **Call to Order** – Mayor Gerry called the meeting to order at 6:00 p.m.

2. **Roll Call** –

Present:

Mayor Brent Gerry

Mayor Pro Tem Fred Brink

Councilmember Richard Bloom

Councilmember Gail Brown

Councilmember Rich Buel

Councilmember David Fetto

Councilmember Kate Moran

Councilmember John Smart

Police Chief Ben Majetich

Finance Director Erin Gwinn

Public Works Director Roscoe Slade

Comm. Dev. Director Eric Mendenhall

Associate Planner Elisha Ransom

City Clerk Stephanie Haug

City Attorney Bronson Brown

3. **Pledge of Allegiance** –

Mayor Gerry led the council, staff, and audience in the Pledge of Allegiance.

4. **Approval of Agenda** –

Mayor Pro Tem Brink moved to approve the agenda. It was seconded by Councilmember Bloom. Council unanimously approved the agenda.

5. **Presentation**- There were no presentations.

6. **Consent Agenda** – Mayor Gerry read the consent agenda titles for consideration.

a. Approve Payment of Bills

b. Approve Minutes- Regular June 15, 2021

c. **ORD. 20-21**- Budget Amendment & Motion to award Paradise Way Phase 4 Project

ORDINANCE NO. 20-21- AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON AMENDING THE BUDGET FOR THE CITY FOR THE BIENNIUM ENDING DECEMBER 31, 2022

d. Motion to award 2021 Crack seal and Street Striping Project

e. Motion to amend JUB's on-call engineering services contract

f. Motion to authorize TIB Grant Applications

g. **RES. 27-21**- Authorizing Mayor to execute TIF Mitigation Agreement with Sun Market

RESOLUTION NO. 27-21 - A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AND EXECUTE A TRANSPORTATION IMPACT FEE MITIGATION AGREEMENT WITH THE OWNER / DEVELOPER OF A COMMERCIAL DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF BELMONT BLVD AND KEENE ROAD

h. **ORD. 21-2**- Water Use Restriction in Parks

ORDINANCE NO. 21-21 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, AMENDING TITLE 12 OF THE WEST RICHLAND MUNICIPAL CODE, TO PROHIBIT FISHING AND IN WATER ACTIVITIES IN THE LAKES AT THE PARK AT THE LAKES

i. **RES. 28-21**- Setting a Public Hearing for a Utility Easement Vacation on August 17th, 2021

RESOLUTION NO. 28-21 - A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, SETTING THE PUBLIC HEARING DATE TO CONSIDER A UTILITY EASEMENT VACATION ON WILLAMETTE HEIGHTS SECTION 6, LOT 78, PARCEL NUMBERS 1-0698-202-0078-000

- j. **RES. 29-21**-Authorizing staff to submit a CERB application for Roadway and Water Improvements
RESOLUTION NO. 29-21 - A RESOLUTION OF THE CITY COUNCIL OF WEST RICHLAND WASHINGTON, AUTHORIZING SUBMISSION OF AN APPLICATION FOR A COMMUNITY ECONOMIC REVITALIZATION BOARD LOAN IN THE APPROXIMATE AMOUNT OF \$800,000 AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR SUCH FUNDING

Upon motion by Mayor Pro Tem Brink and seconded by Councilmember Moran, Council approved the consent agenda, with Councilmember Bloom abstaining due to a conflict of interest on item 6i.

- 7. **Citizen Public Comments**- There were no Citizen Comments.
- 8. **Ordinances, Resolutions, Motions And Public Hearings-**

- a. **Public Hearing: Transmission Lines**

Community Development Director Mendenhall presented an ordinance amending development standards for transmission lines within West Richland. On March 2, 2021, City Council adopted Interim Development Regulations that require the need for transmission lines to undergo Conditional Use review and to create development standards for this type of use. The City has adopted an ordinance amending the West Richland Municipal Code as follows: {1} Creating Section 17.54.059 to establish standards for transmission lines within the City of West Richland; {2} Amend Sections 17.22.050 {CP}, 17.23.050 {UT}, 17.24.050 (RL-40 & RL-20}, 17.30.050 {RM-10}, 17.31.050 {RM-6}, 17.36.050 (MH-P), 17.39.050 (MR), 17.40.050 (C-N), 17.46.050 (C-L), 17.48.050 {C-G}, 17.49.050 {D-MU}, 17.51.030 {C-LI}, and 17.52.030 {LI}.

The interim development regulation (aka moratorium) provided time to allow staff, Council and the Planning Commission review this use in these zones and to allow public process and input. The proposal has received a SEPA determination of nonsignificance on March 23, 2021. The public was notified of the proposed application and changes on March 5, 2021. No public comment was received. Additionally, staff reached out to Bonneville Power Authority on March 3rd and April 6th, 2021. Comments provided by the Council regarding pole color has been updated and included in the ordinance reviewed by the Planning Commission.

Mayor Brent Gerry opened the public hearing at 6:10 p.m.

There were no comments.

Mayor Brent Gerry closed the hearing at 6:11 p.m.

- b. **ORD. 22-21 - Transmission Lines**

ORDINANCE NO. 22-21 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, ADOPTING DEVELOPMENT REGULATIONS AMENDING TITLE 17 OF THE WEST RICHLAND MUNICIPAL CODE, TO SPECIFY THAT TRANSMISSION LINES ARE ALLOWED AS A CONDITIONAL USE IN ALL DISTRICTS, ESTABLISHES A DEFINITION FOR SAID USE, AND DEVELOP REGULATIONS AND STANDARDS FOR TRANSMISSION LINES AND STRUCTURES;

Councilmember Moran moved to approve Ordinance 22-21. It was seconded by Councilmember Buel. Council held a brief discussion about vacating a sewer line in place, and then unanimously approved Ordinance 22-21.

- 9. **Unfinished Business** – There was no Unfinished Business.

- 10. **New Business**

- a. **Fireworks**

Chief Majetich presented a report to Council on this year’s July 4th weekend. WRPD had 144 calls for

services in 2021 from 6am July 2nd through 6am July 5th. They had 147 calls for service in 2020. This included 22 fireworks complaints. Of those complaints, 9 were received during legal fireworks hours, and 11 were within 1 hour of the legal discharge hours. Prior to the 4th, 33 businesses were contacted to provide signage for their property and education on blocking their parking areas.

Media, both traditional and social, were utilized to help educate. Benton County Fire Protection District #4 reported 6 fires within the city limits between July 2nd and July 5th. All were on July 4th.

One was a field fire that grew to about .5 acre. The others were reported as minor shrub and dumpster fires. City Fire Marshall Todd Blevins indicated this was the best fireworks season he's seen in the three years he has been the fire marshal.

Mayor Gerry asked Council if they feel a workshop is needed to discuss fireworks regulations, and then indicated he would give each councilperson an opportunity to ask Chief Majetich any questions and weigh in on having a future workshop.

Councilmember Bloom stated he had requested information from Fire Chief Carlyle. There was a dispute between a neighbor and a teen setting off fireworks that was turned over to WRPD. He inquired if anyone was cited over the holiday weekend. (Chief Majetich responded "no.")

Councilmember Brown asked about the verbiage that was put into the code a few years back that gave the Mayor authority to ban fireworks. It seemed to her that information was out on social media that wasn't correct, and she thought we could. (Chief Majetich provided a history on the development of that language.) Councilmember Brown indicated she would like that language brought back to Council to discuss, and she didn't experience many issues in her neighborhood. She was happy that the businesses taped off their lots, but she still had concerns about areas that are overgrown and are a fire hazard.

Councilmember Moran mentioned that some of the issues was the definition of "emergency fire something." She spoke with Chief Carlyle, and during COVID there was a concern about not having enough people, and there was concern that they would have met that. She agrees with Councilmembers Brown about reviewing it again, and with Councilmember Smart about bringing it back as there's some gray area within the code with the "mays" and "cans" and "coulds" that can make it political, and she'd like to see it much clearer. She also inquired of the Chief about information outside of the Chief's report period. (The Chief responded that they were sporadic and insignificant, but he'd be happy to get that information for her.) She also asked about response, and the officer's need to view the fireworks being set off in order to do anything.

Councilmember Smart addressed Councilmember Moran and indicated that he didn't believe he had commented yet on the issue. He does understand that the regulation states that the authority takes effect in times of "extreme fire emergency." When the ordinance was passed, the ordinance was based on the ability to respond, and the Chief at the time indicated that at no time were they unable to provide service to West Richland. He indicated that he agrees with the Chief's report, it appeared to be a calm year for fireworks, and that he appreciates our freedom, and wishes to continue the ability for our citizens to have fireworks.

Councilmember Brown inquired with the new restrictions on police if fireworks calls would even warrant a response when they take effect. (Chief Majetich responded that in general, they will continue enforcement activities, and provided a background on the legislative intent of the new laws.)

Councilmember Bloom asked if there would be a follow up on if we need more discussion on fireworks.

Mayor Gerry asked Council to indicate if they would like further discussion. Councilmember Buel and

Councilmember Smart indicated that they are ok with the current regulations. Councilmember Bloom would like to discuss them and the possibility of implementing a permit system for fireworks. Councilmember Brown indicated she would like to discuss the authority to ban regulations. Councilmember Fetto stated he would like more local control over the authority to ban, so he would like to bring it up again. Councilmember Moran would like to have a workshop for changes to the language in the authority to ban regulations to remain as neutral as possible. Councilmember Brink recognized the work that has been done, and would entertain a discussion on the emergency authority.

11. Citizen Public Comments-

Ken Stoker- Thanked the Chief for his report, and inquired about the sidewalks that are buckling on Van Giesen and inquired as to what the City will be doing to fix them.

Submitted written comments and read by Clerk Haug:

Lisa Nelson- Requested that the Council revised the fireworks ordinance to allow the fire chief to enact a temporary ban on fireworks in the conditions of extreme fire danger.

Jolene Donnelly – Touched on several areas of concern regarding fireworks within West Richland, including times that firework stands are open, effects of fireworks on domesticated animals and livestock, noise produced by legal and illegal fireworks, revenue to the City from fireworks, the opportunity to ban fireworks as the City grows, and the danger and stress on the fire and police departments. She urged the Council to ban the sale of fireworks and heavily fine those that set them off.

Jeanne Barton- Is in support of fireworks. Her family gathers to watch their show, and they take necessary precautions for their pets. She feels it is worth it to continue to celebrate America's independence in this way.

12. Announcements, Reports & Comments

a. Council Reports

Councilmember Fetto thanked staff and those that attended the open house on the 15th. If you had questions about the City, this was your opportunity to get one-on-one time with the directors.

Councilmember Moran wished she could have attended the open house, but was ill, so was unable to attend. She suggested that perhaps the City could have a second open house or a virtual option. She worked on the SWAT analysis on the SEDS plan with the BFCOG Economic Development group, and determined there is a route to go to provide regional economic assessment opportunities to take some weight off of the cities. State Reps and Legislators are setting up meetings with local municipalities so that they can discuss what the individual municipalities are needing. They're not just looking for shorts they're looking for this narrative that talks about the impact of what this certain project is going to be at a local level.

Councilmember Bloom followed up on the Ben Franklin Transit issue with the County Commissioners. The Commissioners want a budget cut, but the reality is that it will also cut service by 15%. The amount of money that is actually needed to run the new facility has yet to be disclosed. He feels that this is a political issue that goes back a long ways. The conversation will continue. It will not be on the ballot in November, as they will not meet the deadline to add it.

Mayor Pro Tem Brink participated in the AWC Legislative Priorities Committee, who are starting to look at priorities for next year's sessions. Transportation is the big issue, but he will continue to report on issues as they arise.

Councilmember Brown reported that at the AWC Conference they talked about transportation funding opportunities for small towns. Climate change will likely need to be addressed in upcoming comprehensive plans. WSDOT is getting pushback on the money that was allocated for new projects to go to preservation. There are a lot of projects happening. Habitat for Humanity is still looking to do a project in West Richland. She mentioned it is unfortunate that so few people attended the Open House. She likes the idea of doing more of a neighborhood to neighborhood approach.

Councilmember Smart mentioned that he finds the regular Community Development Sub-Committee meetings to be quite helpful, and he appreciates them. He also thanked the Chief for his fireworks presentation, and reminded everyone that facts matter.

b. Staff Reports

Police Chief Majetich updated the Council on the department's efforts to meet the recent legislative updates that go into effect on July 25th. Officers are attending training to learn the new way of thinking, and they are scrambling to get in compliance within the timeframe given. He is pleased that West Richland was already in good standing prior to the adoption of these laws, so it has made the transition a little easier. The department recently filled a position with an entry level officer- Cassandra Martinez. She will be introduced to Council in December, when she returns from the police academy. The new facility is rocking and rolling. It will be the jewel of the northwest once it's complete. National Night Out is scheduled for August 3, 5-8pm at Flat Top Park. It will be hot, but there will be misting/cooling stations to help out. He encouraged everyone to come by.

Community Development Director Mendenhall reported on the Open House that was held on July 15th. There were 6 members of the public in attendance, as well as a couple of the parks board members. There were over 200 respondents to the parks survey, which is a significant amount. Staff will prepare additional information to present to the community before bringing the plan to the parks board for a recommendation. Roscoe will speak about ballpark maintenance, but parks maintenance will be addressed as part of the parks plan. He then addressed how economic development is addressed within his department and amongst Senior Staff, and the benefits, including additional tax revenue for the city for parks maintenance. Red Mountain Event Center will also be another funding source for the parks.

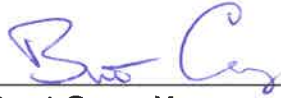
Finance Director Erin Gwinn reported that her department hired two new employees, Utility Billing Specialist Lynette Sewell, and Utility Clerk Paula Kauer. She requested Council volunteers for the City booth at National Night Out, and reported that the City will be starting its annual audit with the State Auditor's Office.

Public Works Director Roscoe Slade responded to Mr. Stoker's concern that some of the sidewalks in town are buckling due to the extreme heat. The maintenance crew is marking the areas for safety, and will wait a bit after the weather cools back down to see if they will resettle into position. If they don't, the crew will chip out the concrete, lay gravel down, and schedule replacement of the concrete. If anyone sees one that hasn't been marked, please contact the City. He reported that there are transportation projects happening soon; the Harrington Drive Grind/Overlay Project near Twin Bridges, the South 38th and Van Giesen Signal Project will begin in August and the flashing beacon light currently located at the intersection will be reallocated near a school, Paradise Phase 4 (the last gap in Paradise) was awarded at tonight's meeting will be completed before the end of the year, a large crack seal project was awarded tonight, and he has been working with local legislators on the SR 224/Red Mountain Improvement Project. He also mentioned that the City is working on many funding sources for grants for not only transportation projects, but also other infrastructure. Lastly, he addressed the concerns over the

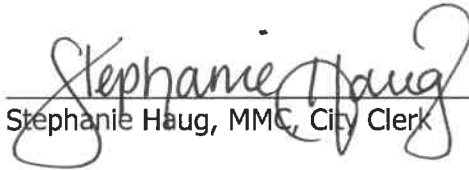
little league fields and the parks. He will be sending an email out to Council that he'd received from a volunteer in June that outlines how great the working relationship between the Little League and the City is. He addressed the level of service concerns for the parks, and indicated it has been a rough year on the parks with the heat and the lack of resources in the general fund due to the new law enforcement mandates.

13. Executive Session – There was no executive session.

14. Adjournment - The meeting was adjourned at 7:54 p.m.



Brent Gerry, Mayor



Stephanie Haug, MMC, City Clerk